

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, November 9, 2004

8:30 a.m.

County Board Room - 3rd Floor - Courthouse

M I N U T E S

The Clay County Board of Commissioners met in regular session on Tuesday, November 9, 2004 with all commissioners present: Brunsvold, Campbell, Evert, McCarthy, and Waller.

APPROVAL OF AGENDA

On motion by McCarthy, seconded by Campbell, and unanimously carried, the agenda was approved with the following additions:

- Approve payment of credit card charges
- Correspondence

EXECUTE CONTRACT FOR SHERIFF'S DEPARTMENT TO RECEIVE 2004
SNOWMOBILE ENFORCEMENT GRANTS, \$3,669.67

By consent agenda, the Board authorized execution of a contract with the State of Minnesota Department of Natural Resources for the Sheriff's Department to receive Snowmobile Enforcement grant funds in the amount of \$3,669.67 for the period 11/1/04-6/30/05.

APPROVAL FOR REPURCHASE OF TAX FORFEIT PROPERTY

By consent agenda, the Board approved the repurchase of tax forfeit property by Mr. Errol Ernst, #02.023.3006, in Section 23, Barnesville Township, due to the hardship which would result if he were not allowed to repurchase the property.

CITIZENS TO BE HEARD

Mr. Chuck Marx addressed the Board regarding the difficulty he is having disposing of a large quantity of paint at the Hazardous Waste facility. Mr. Marx was directed to the Household Hazardous Waste facility coordinator for information.

REQUEST FOR WAIVER OF FEE FOR LATE PAYMENT OF TAXES
(DALE OTTERSON PROPERTY)

Ms. Laura J. Rott was present to request a waiver of the fee charged (\$35.00) for late payment of taxes on the Dale Otterson property (#21.029.4308). She felt that an exception should be made for the one day the taxes were paid late. Ms. DiAnn Streifel, Chief Deputy Treasurer, explained the County Treasurer's Office position, in that many envelopes are received late, and penalties for late payment are established by the State.

On motion by Campbell, seconded by McCarthy, and unanimously carried, the Board denied the request for waiver of the fee charged for late payment of taxes as described above.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

Commissioner Campbell reported that he has requested information regarding special assessments from the City of Moorhead with respect to their request for additional funds for road construction within the City limits.

Commissioner Campbell commented that MnDOT is still unwilling to install a temporary signal light in connection with the TH 10/34 construction project. Commissioner Waller felt a meeting should be held with the legislators to seek their assistance with this important issue, possibly inviting them to a future County Board meeting.

Commissioner Evert commented that Extension programs are moving forward positively in Clay County. The Regional Office will have an Agronomy person on staff in the near future.

Commissioner McCarthy reported that the Moorhead Planning Commission continues to approve development after development, all of which will benefit Clay County in the future.

The items to be discussed at the Township Officers Association meeting include: 2005 levy, long term planning for corrections facilities, completion of the Courthouse remodeling, changes in top management personnel at the County, the Highway Department's maintenance of roads in rural subdivisions (consistency of policies), introduction of Jean Coleman, who is working on the update of the Development Code.

UPDATE RE: WESTERN AREA CITY COUNTY COOPERATIVE PROGRAMS

Ms. Laurie Mullen, Western Area City County Cooperative (WACCO) Coordinator, presented an update of the WACCO programs. She noted that Methamphetamine education has taken the forefront due to the fact that staff found there were few people providing this education to dispatch, law enforcement, social services staff, public health, etc.

Commissioner McCarthy questioned if this type of education should be the function of the Cooperative, which was designed to serve members with cooperative purchasing, training, etc. He found very few other training opportunities for the general membership this year, other than for Methamphetamine. Ms. Mullen stated that she is proceeding at the direction of the WACCO Board.

Commissioner Campbell was pleased that WACCO has taken on this very important role, and didn't think it precluded them from conducting other trainings. Commissioner Evert agreed that it is good that WACCO has taken on the responsibility to train the public, and is doing it efficiently.

Commissioner McCarthy was hopeful that a better balance can be created between the inservice trainings that were the reason for the Cooperative, and the other education they are providing.

RESOLUTION SUPPORTING "JOIN THE VOICE FOR RECOVERY"

On motion by Campbell, seconded by Evert, and unanimously carried, the following resolution was adopted in support of "Join The Voice For Recovery":

RESOLUTION 2004-42

WHEREAS, barriers to accessing treatment facilities are a significant problem for people with alcohol or drug use disorders; and

WHEREAS, such barriers include failures to identify affected people and direct them to treatment, inadequate public and private insurance coverage for treatment services, and shrinking state budgets that limit funding for treatment programs; and

WHEREAS, saluting people who are in recovery from alcohol and drug use disorders, as well as those who have helped them obtain treatment, helps to overcome such barriers by educating the community about the benefits of treatment, and affirming the goal that all people with alcohol and drug use disorders should have access to treatment services; and

WHEREAS, to help achieve this goal, the Western Area City County Cooperative, the local School Boards, the County of Clay, MN Department of Health and Human Services, the Substance Abuse and Mental Health Service Administration invites all residents of Clay County to support the efforts of education about

specific drugs, treatment programs and initiatives taking place in our communities. Our community salutes those in our neighborhoods who are in recovery and the counseling and programs staff who brought them out of darkness. Western Area City County Cooperative invites all of us to take immediate action to guide those in our community who need drug and alcohol treatment toward the promising path of recovery.

NOW, THEREFORE, the Clay County Board of Commissioners proclaims that we support the efforts of

Join the Voice for Recovery

In Clay County we call upon the people to encourage participation in appropriate programs, activities, and ceremonies supporting this year's theme, "*Join the Voices for Recovery...Now!*"

REVIEW REVISED CELLULAR PHONE USE POLICY

County Administrator Vijay Sethi reviewed a revised draft of the Cellular Phone Use Policy which has been amended to remove the option for a monthly stipend paid to employees. The revised plan calls for County cellular phones to be used for personal purposes only in emergency situations.

Considerable discussion took place regarding department heads' opinions that the stipend option should stay in the policy. They felt that option would help cut costs, would simplify accounting, and abuse of County phones would be eliminated. County Auditor Lori Johnson commented that offering employees a stipend would be easier for the Auditor's Office to monitor and administer.

Discussion took place as to the difficulty in determining what an 'emergency' use is, and the need for flexibility as long as the minutes in the plan are not exceeded. County Attorney Lisa Borgen felt the department managers should be trusted to ensure that their people who need a cellular phone are issued a phone with the plan that is appropriate for their usage. She felt the employee should be able to make personal calls on the County issued phone, as long as they don't go over the allotted minutes. Commissioner Campbell commented that employees with "land line" phones use them for personal purposes, and those calls are not tracked.

Commissioner Brunsvold felt that if employees need a personal cell phone, they can purchase their own, keeping the usage for personal and business purposes completely separate. He felt that by allowing personal use, too much time would be wasted reading phone bills. He felt the County issued cell phone number should not be given to family/friends.

Sheriff Bill Bergquist stated that his deputies need to have a flexibility for usage of their cellular phones.

Assistant County Attorney Michelle Winkis felt that Section 5 - Criteria for the use of County Issued Cellular Phones, as written, does not give flexibility of use.

Commissioner Campbell felt there is no way to prevent all personal calls, but it must be emphasized that personal use is prohibited unless it is a necessary issue.

Mr. Sethi felt the practice which is in place currently works fine, with employees understanding that County phones are not for personal purposes. However, with department heads who are on call 24/7, there becomes a difficulty. Currently, employees are allowed to write a check for personal calls, if they exceed the minutes in the base contract.

Commissioner Waller felt the cell phone plan minutes should be matched to the job needs of the employee and if personal calls do not exceed the allotted minutes, so be it. However, he felt the plans should not be inflated to allow for personal calls.

Ms. Winkis felt she could write a new policy to define personal use, recognizing that the County phone is for County use only and that incidental personal use is allowed as long the employee stays within the contract minutes, stating clearly that if the minutes are exceeded, the

employee shall reimburse the County. Ms. Johnson and Ms. Borgen felt that listing all the *allowed personal uses* under special circumstances would lead to problems.

Commissioner Waller felt that time away from the job while on a personal call is a cost to the County too.

Commissioner McCarthy felt the policy should be kept simple, understanding that personal calls will be made, and that the current practices should be put in writing. He felt if the employee's personal use of the cellular phone is not costing the County any money, so be it.

Commissioner Evert commented that he still felt the stipend option was the best, in that it is fair and takes the least time to monitor. With respect to using County issued cellular phones for personal purposes, he felt the employees are human beings who have personal lives and they should be able to contact family if they need to via the County issued phone.

Ms. Borgen reiterated that she felt the department heads should be trusted to make appropriate decisions and the option to reimburse the County should continue to be in place. She stated she was still in favor of the stipend option.

Commissioner Brunsvold felt there should be a clear distinction of how taxpayer money is being used, and public use should be separate from private use.

Commissioner Waller felt the plans should be based on actual County usage, and if the minutes are exceeded for personal use, reimbursement should be made. He felt verbiage should be included that personal calls are discouraged, but acceptable in certain circumstances.

The revised draft also includes verbiage that 'the use of cellular phones while driving a motor vehicle is not permitted unless a hand-free device is used'. Consensus of the Board was that this prohibition is not practical, and it is not against the law to talk on the phone while driving. Consensus was that the policy indicate that use of cellular phones while driving should be *discouraged*.

Ms. Winkis agreed to re-write the policy, including County issued phones with plans matched to the employee's use for County business, acknowledging that personal use may occur with the employee paying the difference if the usage exceeds the base plan minutes. The County's existing policy for reimbursement would come into play in this instance.

REVIEW PROPOSAL TO JOIN AREA LOCAL GOVERNMENTS IN A JOINT POWERS AGREEMENT FOR COORDINATION OF TRANSLATION (INTERPRETER) SERVICES

The Board reviewed materials in support of a request to join area local governments (City of Fargo, City of Moorhead, Cass County, City of West Fargo) and local school districts in a Joint Powers Agreement for coordination of translation (interpreter) services. The program would provide a means for training and coordinating translation services to help all the groups that need the services. Clay County's share of the \$45,000 budget would be \$5000. Each entity would still need to pay for the individual interpreter services required by them.

The Clay County department heads have been surveyed with respect to their usage of interpreter services, and are generally comfortable that the needs are being met. The Courts are required to use State certified interpreters. Consensus of the Board was that services are currently being provided adequately, but this may be a modest investment for future needs and may provide a guarantee for quality and effective translation.

County Administrator Vijay Sethi noted that there are excellent private, for-profit groups in the community which provide very professional services, i.e., in court settings. He felt the services offered through the coordinated effort mentioned above would be for day-to-day, conversational

type interpretation, and may offer cultural background information as well. Ms. Porter felt the cultural information piece would be helpful for her staff in communicating with clients.

Considering that Clay County's interpreter needs are currently being met, Commissioner Campbell felt the appropriate time for Clay County to join this effort would be once the cultural aspects have been implemented in the program.

Commissioner Evert felt he would like to visit with Ms. Sherlyn Dahl at Family Healthcare Center to see if they have issues with finding interpreters.

On motion by Evert, seconded by Brunsvold, and unanimously carried, discussion on this topic was tabled to allow for additional information to be gathered.

APPROVE PAYMENT OF MONTHLY BILLS AND VOUCHERS

On motion by Evert, seconded by Brunsvold, and unanimously carried, the monthly bills and vouchers were approved for payment.

CREDIT CARD PAYMENT

On motion by Campbell, seconded by Evert, and unanimously carried, the Board approved payment of credit card charges (UPS - \$7.45, for GIS shipping; LDR - \$322.33, for office supplies) by Auditors Warrant.

CORRESPONDENCE

Commissioner Evert suggested that Planning & Environmental Programs Director Tim Magnusson attend the strategy meeting regarding the Basinwide Digital Elevation Model to be held at NDSU.

Commissioner Evert informed the Board that Family Healthcare Center is having difficulty getting payment some accounts, i.e. \$84,000 is owed by PMAP. Local legislators' assistance will be sought in dealing with this issue.

A meeting regarding the status of homelessness in the local area will be held November 15, 2004 at the Holiday Inn, from 11:30 a.m. to 1:30 p.m.

Commissioner Evert was congratulated for receiving the Friend of Extension Award.

ADJOURN

The meeting adjourned.

Respectfully submitted,

Jerry Waller, Chair
Clay County Board of Commissioners

Vijay Sethi
County Administrator